UNITED STATES PATENT AND TRADEMARK OFFICE

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09/956,989	09/21/2001	Toni Markus Piponius	062891.1671	2944

			EXAMINER
5073	7590	06/21/2006	LAZARO, DAVID R

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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 March 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11,13-22,24,25 and 27-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11,13-22,24,25 and 27-31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed 03/21/2006.

2.   Claims 12, 23 and 26 are canceled.

3.   Claims 29-31 are newly added.

4.   Claims 1-11, 13-22, 24, 25 and 27-31 are pending in this office action.

Response to Amendment

5.   Applicant's arguments filed 03/21/2006, with respect to claim 1, have been fully considered but they are not persuasive. See Response to Arguments

6.   Applicant's arguments, filed 03/21/2006, with respect to the rejection(s) of claim(s) 2 under 103(a) have been fully considered and are persuasive. Particularly, the examiner agrees that there is a distinction concerning the claim subject matter related to an "access network subscriber identity" as argued in the remarks, page 10. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent 5,905,736 by Ronen et al. (Ronen).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claim 1, 6-8, 11, 13, 16, 19-22, 27 and 28 rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Patent 6,047,051 by Ginzboorg et al. (Ginzboorg) in view

of U.S. Patent 6,389,537 by Davis et al. (Davis).

9.   With respect to Claim 1, Ginzboorg teaches a method for providing a piece of

content to a subscriber terminal from a content server, wherein the provision of the

content from the content server to the subscriber terminal is controlled by a proxy, and

said control of the content provision comprises the following steps:

        - receiving in the proxy a content request for providing the content (Col. 5 lines

43 - Col. 6 line 2),

        - determining, by the proxy, whether of not the content is chargeable content,

wherein the determining step includes accessing a database that includes information

that is indicative of which content is chargeable and which content is free to end users

connected to a network (Col. 6 lines 3-8; Col. 12, lines 42-52; Col. 10 line 21-29; and

Col. 13 lines 15-24);

        - determining by means of the proxy a billing address for the chargeable content

(Col. 5 lines 56-65 and Col. 7 lines 47-59)

- providing the content corresponding to the content request under the control of the proxy from the content server to the subscriber terminal (Col. 6 lines 55-63), and

- generating billing information related to the chargeable content (Col. 6 lines 3-29 and Col. 7 lines 36-59) wherein generating billing information includes accessing a subscriber terminal profile (Col. 5 line 19-31 and Col. 5 line 43 - Col. 6 line 63).

Ginzboorg does not explicitly disclose including a prepaid amount provided by an end user of the subscriber terminal. Davis teaches the use of a prepaid amount provided by an end user of a subscriber terminal (Col. 1 lines 24-36). This is a known purchasing scheme in the provisioning of content to users (Col. 1 lines 10-12 and 24-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Ginzboorg and modify it as indicated by Davis such that the method further comprises wherein the subscriber terminal profile includes a prepaid amount provided by an end user of the subscriber terminal. One would be motivated to have this, as it is a simple and known purchasing scheme for use in provisioning of content to users (In Davis: Col. 1 lines 10-12 and 24-36).

10.   With respect to Claim 6, Ginzboorg further teaches wherein the subscriber identity of the subscriber terminal is hidden from the content server (In Ginzboorg: Col. 5 line 52 - Col 6 line 2).

11.   With respect to Claim 7, Ginzboorg further teaches wherein the generation of the

billing information related to the content comprises the step of maintaining billing criteria

in a database functionally connected to the proxy (In Ginzboorg: Col. 6 lines 3-29).

12.   With respect to Claim 8, Ginzboorg further teaches wherein the billing criteria

comprise the payer of the content (In Ginzboorg: Col. 6 lines 3-29 and Fig. 4).

13.   With respect to Claim 11, Ginzboorg further teaches wherein the billing criteria

comprise information on whether the content in question belongs to a group of content

segments with a special price (In Ginzboorg: Col. 12 lines 42-53).

14.   With respect to Claim 13, Ginzboorg further teaches wherein determining the

billing address comprises: allocating an IP address to the subscriber terminal in an

access network (In Ginzboorg: Col. 5 lines 52-62 - Note: The socket address of a TCP

connection would contain the IP address allocated to the subscriber); receiving, in the

proxy, the IP address allocated to the subscriber terminal (In Ginzboorg: Col. 5 lines 52-

62); determining, in the proxy, a subscriber identity based on the IP address and

correlating it to the billing address (In Ginzboorg: Col. 5 lines 52-65 and Col. 7 lines 47-

59).

15.   With respect to Claim 16, Ginzboorg further teaches if the content is part of a

group of content segments, then the subscriber terminal is entitled to use a portion of

the group at a lower price or for free (In Ginzboorg: Col. 13 lines 15-24 and Col. 10 lines

21-29).

16.   With respect to Claim 19, Ginzboorg further teaches wherein generating billing

information further includes billing the subscriber for content delivered by the content

server to the subscriber terminal (In Ginzboorg: Col. 5 line 43 - Col. 6 line 63 describes the overall process).

17.   With respect to Claim 20, Ginzboorg further teaches the proxy is configured to identify one or more pieces of content that are included in an agreement between an operator of the content server and an operator of the proxy (In Ginzboorg: Col. 5 lines 1-19 and lines 52-64).

18.   With respect to Claim 21, Ginzboorg further teaches the proxy does not forward the content request to the content server until the proxy identifies whether or not selected content is included in an agreement between an operator of the content server and an operator of the proxy (In Ginzboorg: Col. 5 lines 1-19 and lines 52-64 and Col. 6 lines 55-63).

19.   With respect to Claim 22, Ginzboorg further teaches wherein the proxy directly forwards the content request to the content server after until the proxy identifies that selected content is not included in an agreement between an operator of the content server and an operator of the proxy (In Ginzboorg: Col. 5 lines 1-19 and lines 52-64 and Col. 6 lines 55-63).

20.   With respect to Claim 27, Ginzboorg further teaches wherein the content is not billed at one time because it corresponds to streaming content (In Ginzboorg: Col. 10 lines 26-29).

21.   With respect to Claim 28, Ginzboorg further teaches wherein a price for the content is determined based on a time at which the content is requested (In Ginzboorg: Col. 12 lines 42-51).

22.   Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ginzboorg in view of Davis and U.S. Patent 5,905,736 by Ronen et al. (Ronen).

23.   With respect to Claim 2, Ginzboorg in view of Davis teaches all the limitations of

Claim 1, and further teaches the subscriber terminal is located in an access network in

which the subscriber terminal is addressed by an access network subscriber identity

(Col. 4 lines 43-51), and the content server is located in a service network in which it is

addressed by an IP address (In Ginzboorg: Col. 4 lines 37-42), and wherein teh

determination of the billing address comprises the following steps: allocating an IP

address to the subscriber terminal in an access network (In Ginzboorg: Col. 5 lines 52-

62 - Note: The socket address of a TCP connection would contain the IP address

allocated to the subscriber); receiving, in the proxy, the IP address allocated to the

subscriber terminal (In Ginzboorg: Col. 5 lines 52-62); determining, in the proxy, a

subscriber identity based on the IP address and correlating it to the billing address (In

Ginzboorg: Col. 5 lines 52-65 and Col. 7 lines 47-59).

     Ginzboorg in view of Davis does not explicitly teach the determined subscriber

identity is the access network subscriber identity. Ronen teaches the determination of a

subscriber identity that is an access network subscriber identity based on an IP address

allocated to the subscriber identity and using it to determine the billing address (In

Ronen: Col. 2 lines 31-46 and Col. 6 lines 30-51 - essentially the correlation of the ANI

with the IP address can be used to determine the billing). The use of the access

network subscriber identity allows for a casual user to make use of the billing system

without an explicit pre-configuration/registration with the billing system (In Ronen: Col. 2

lines 31-46 and Col. 6 lines 30-51).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Ginzboorg in view of Davis and

modify it as indicated by Ronen such that the method further comprises allocating an IP

address to the subscriber identity in the access network or at its edge; receiving, in the

proxy, the IP address allocated to the subscriber identity; determining in the proxy on

the basis of the received IP address the subscriber identity of the subscriber terminal

and using it to determine the billing address. One would be motivated to have this, as

there is need for providing a convenient method for billing of services through different

providers, particularly for those using the services on a casual or infrequent basis (In

Ronen: Col. 1 lines 21-38, Col. 1 line 65 - Col. 2 line 2, and Col. 2 liens 31-46).

24.   With respect to Claim 3, Ginzboorg further teaches wherein the determination of

the subscriber identity on the basis of the received IP address comprises an inquiry to a

database in the proxy (In Ginzboorg: Col. 5 line 52 - Col 6 line 2) and (In Ronen: Col. 2

lines 31-46 and Col. 6 lines 30-51).

25.   With respect to Claim 4, Ginzboorg further teaches wherein the determination of

the subscriber identity on the basis of the received IP address comprises an inquiry to

the access network (In Ginzboorg: Col. 5 line 52 - Col 6 line 2) and (In Ronen: Col. 2

lines 31-46 and Col. 6 lines 30-51).

26.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Ginzboorg in view of Davis and U.S. Patent 5,956,391 by Melen et al. (Melen).

27.   With respect to Claim 5, Ginzboorg teaches all the limitations of Claim 1 and

further teaches the forming of bills by using known methods (In Ginzboorg: Col. 7 lines

50-59).

Ginzboorg in view of Davis does not explicitly disclose wherein the billing

information related to the content service is sent to the access network to be combined

with the billing information of the access network. Melen teaches a method where

billing information related to content services is sent to the access network to be

combined with the billing information of the access network (Col. 3 line 63 - Col. 4 line

10, and Col. 8 line 50 - Col. 9 line 7).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to take the method disclosed by Ginzboorg in view of Davis and modify it as

indicated by Melen such that the method further comprises wherein said billing

information related to the content is sent to the access network to be combined with

billing information of the access network. One would be motivated to have this as it

improves the reliability of ordering content services (Col. 3 lines 50-60 of Melen).

28.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Ginzboorg in view of Davis and U.S. Patent 5,970,477 by Roden (Roden).

29.   With respect to Claim 9, Ginzboorg in view of Davis teaches all the limitations of

Claim 1. Ginzboorg in view of Davis does not explicitly disclose that when a content

service provider pays for the content service, the provider can also pay for

telecommunication costs between the subscriber terminal and proxy. Roden teaches

that when a when a content provider pays for the content, the provider can also pay for

telecommunication costs between the subscriber terminal and proxy such that the use

of the content is free of charge to the subscriber (Col. 7 lines 9-17, Col. 8 lines 43-57

and Col. 9 lines 7-25).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Ginzboorg in view of Davis and

modify it as indicated by Roden such that the method further comprises wherein if the

content provider pays for the content, the content provider pays for telecommunications

costs between the subscriber terminal and the proxy, in which case the use of the

content is completely free of charge to the subscriber. One would be motivated to have

this as there is need for flexible methods for allocating costs associated with Internet

access (Col. 4 lines 32-40 of Roden).

30.   Claims 10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ginzboorg in view of Davis and U.S. Patent Application Publication 2002/0059114

by Cockrill et al (Cockrill).

31.   With respect to Claim 10, Ginzboorg in view of Davis teaches all the limitations of

Claim 1 but does not explicitly disclose information on whether the subscriber has been

billed for the same content, in which case the following uses of the same content will be

billed according to a lower tariff or not at all. Cockrill teaches information to determine

whether the subscriber has been billed for the same content, in which case the following

uses of the same content will be billed according to a lower tariff or not at all (Page 7

[0071], particularly step 807).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method of Ginzboorg in view of Davis and modify it as

indicated by Cockrill such that the method further comprises wherein the billing criteria

comprise information on whether the subscriber in question has already been billed for

the same content, in which case the following uses of the same content will be billed

according to a lower tariff or not at all. One would be motivated to have this as it

facilitates the purchase of content and management of purchased content (Page 2

[0015] and [0016] of Cockrill).

32.   With respect to Claim 14, Ginzboorg in view of Davis teaches all the limitations of

Claim 1 but does not explicitly disclose billing information is generated based on billing

criteria that includes whether or not the subscriber terminal has previously been billed

for the same content. Cockrill teaches information to determine whether the subscriber

has been billed for the same content, in which case the following uses of the same

content will be billed accordingly (Page 7 [0071], particularly step 807).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method of Ginzboorg in view of Davis and modify it as

indicated by Cockrill such that the method further comprises wherein the billing

information is generated based on billing criteria that includes whether or not the

subscriber terminal has previously been billed for the same content. One would be

motivated to have this as it facilitates the purchase of content and management of

purchased content (Page 2 [0015] and [0016] of Cockrill).

33.   With respect to Claim 15, Ginzboor teaches all the limitations of Claim 1 but does

not explicitly disclose billing information is generated based on billing criteria that

includes whether or not the content is a part of a group of content segments that are

offered at a special price. Cockrill teaches information to determine whether the

subscriber has been billed for the same content, in which case the following uses of the

same content will be offered according to a special price (Page 7 [0071], particularly

step 807).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method of Ginzboorg in view of Davis and modify it as

indicated by Cockrill such that the method further comprises wherein the billing

information is generated based on billing criteria that includes whether or not the

content is a part of a group of content segments that are offered at a special price. One

would be motivated to have this as it facilitates the purchase of content and

management of purchased content (Page 2 [0015] and [0016] of Cockrill).

34.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Ginzboorg in view of Davis and U.S. Patent 5,852,812 by Reeder (Reeder).

35.   With respect to Claim 17, Ginzboorg in view of Davis teaches all the limitations of

Claim 1 but does not explicitly disclose performing, by the proxy, one or more currency

conversions in cases where currencies used in an access network, to which the

subscriber terminal is part of, and a service network, which can couple the proxy and

the content server, are different. Reeder teaches that currencies in one network can be

different than currencies in another network from which content is being provided (Col. 6

lines 55-65). To remedy this, Reeder teaches the use of currency conversion for a

billing system in such a situation (Col. 6 lines 55-65 and Col. 3 lines 16-25).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Ginzboorg in view of Davis and

modify it as indicated by Reeder such that the method further comprises performing, by

the proxy, one or more currency conversions in cases where currencies used in an

access network, to which the subscriber terminal is part of, and a service network,

which can couple the proxy and the content server, are different. One would be

motivated to have this, as there is need for addressing currency conversion in computer

systems involved in networks with different associated currencies (In Reeder: Col. 1

lines 45-57 and Col. 6 lines 55-65).

36.   Claims 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ginzboorg in view of Davis and U.S. Patent 5,778,189 by Kimura et a. (Kimura).

37.   With respect to Claim 18, Ginzboorg in view of Davis teaches all the limitations of

Claim 1 but does not explicitly disclose performing, by the proxy, one or more protocol

conversions in cases where protocols used in an access network, to which the

subscriber terminal is part of, and a service network, which can couple the proxy and

the content server, are different. Kimura teaches that protocols in one network can be

different than protocols in another network from which content is being provided (Col. 2

lines 45-53). To remedy this, Kimura teaches the use of protocol conversion for a

communication system to allow for proper communications between networks in such a

situation (Col. 2 lines 45-53).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the method disclosed by Ginzboorg in view of Davis and

modify it as indicated by Kimura such that the method further comprises performing, by

the proxy, one or more protocol conversions in cases where protocols used in an

access network, to which the subscriber terminal is part of, and a service network,

which can couple the proxy and the content server, are different. One would be

motivated to have this, as there is need for being able to communicate between nodes

located in disparate networks (In Kimura: (Col. 1 lines 12-19 and Col. 2 lines 45-53).

38.   Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ginzboorg in view of Davis and U.S. Patent 5,319,454 by Schutte (Schutte).

39.   With respect to Claim 24, Ginzboorg in view of Davis teaches all the limitations of

Claim 23 but does not explicitly disclose including a maximum amount for unbilled

content that is reflected by an agreement between an end user of the subscriber

terminal and an operator of the content server or an operator of the proxy. Schutte

teaches a maximum amount for unbilled content to limit the obligation of the subscriber in terms of billing (Col. 6 lines 30-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Ginzboorg in view of Davis and modify it as indicated by Schutte such that the method further comprises wherein the subscriber terminal profile including a maximum amount for unbilled content that is reflected by an agreement between an end user of the subscriber terminal and an operator of the content server or an operator of the proxy. One would be motivated to have this, as it is desirable to have a maximum amount for unbilled content (In Schutte: Col. 6 lines 30-34).

40.   With respect to Claim 25, Ginzboorg in view of Davis and Schutte teaches all the limitations of Claim 24 and further teaches wherein the proxy does not fulfill content requests if the maximum amount for unbilled content has been reached (In Schutte: Col. 6 lines 30-34).

41.   Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginzboorg in view of Ronen.

42.   With respect to Claim 29, Ginzboorg teaches a proxy system for providing content service, the apparatus comprising;

        a router component in communication with a subscriber terminal through an access network, the router component operable to receive a request for content service from the subscriber terminal and to determine if the content service is chargeable (In

Ginzboorg: Col. 6 lines 3-8; Col. 12, lines 42-52; Col. 10 line 21-29; and Col. 13 lines 15-24);

a web switch component operable to receive the request from the router component and to deliver the content service to the subscriber terminal if the content service is chargeable(In Ginzboorg: Col. 6 lines 55-63); and

a processor component comprising control logic operable to determine a billing address for the subscriber terminal based on a subscriber identity that uniquely identifies the subscriber terminal (In Ginzboorg: Col. 5 lines 52-65 and Col. 7 lines 47-59), to monitor the delivery of the content service to the subscriber terminal (In Ginzboorg: Col. 7 lines 36-49), and to generate billing information based on the delivery of the content service (In Ginzboorg: Col. 7 lines 36-59).

Ginzboorg does not explicitly disclose the subscriber identity uniquely identifies the subscriber terminal to the access network. Ronen teaches the determination of a subscriber identity, that uniquely identifies the subscriber terminal to the access network, based on an IP address allocated to the subscriber identity and using it to determine the billing address (In Ronen: Col. 2 lines 31-46 and Col. 6 lines 30-51 - essentially the correlation of the ANI with the IP address can be used to determine the billing). The use of the access network subscriber identity allows for a casual user to make use of the billing system without an explicit pre-configuration/registration with the billing system (In Ronen: Col. 2 lines 31-46 and Col. 6 lines 30-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Ginzboorg in view of Davis and

modify it as indicated by Ronen such that the proxy system further comprises a processor component comprising control logic operable to determine a billing address for the subscriber terminal based on a subscriber identity that uniquely identifies the subscriber terminal to the access network, to monitor the delivery of the content service to the subscriber terminal, and to generate billing information based on the delivery of the content service. One would be motivated to have this, as there is need for providing a convenient method for billing of services through different providers, particularly for those using the services on a casual or infrequent basis (In Ronen: Col. 1 lines 21-38, Col. 1 line 65 - Col. 2 line 2, and Col. 2 liens 31-46).

43.   With respect to Claim 30, Ginzboorg further teaches wherein the processor component further comprises control logic operable to transmit the billing information to a billing system associated with the access network (In Ginzboorg: Col. 4 lines 14-18 and Col. 7 lines 36-59).

44.   With respect to Claim 31, Ginzboorg further teaches wherein the processor component determines the billing address by matching the subscriber identity to a network address from the subscriber terminal (In Ronen: Col. 2 lines 31-46 and Col. 6 lines 30-51).

Response to Arguments

45.   Applicants' arguments filed 03/21/2006, with respect to claim 1, have been fully

considered but they are not persuasive.

46.   Applicants argue on pages 8 and 9 in the remarks - *"By controlling the delivery of*

content, the proxy is able to monitor the subscriber's usage without imposing an

requirement for the upgrades or modifications to the subscriber's terminal. In contrast,

Ginzboorg clearly places the monitoring burden on each individual terminal that

subscribes to a server...To the contrary, Ginzboorg states that "the billing server asks

the service provider to start sending the information to the customer," which implies the

billing server does not participate at all in the content delivery."

    a.   Examiner's response - The claim language states "providing the content

    corresponding to the content request under the control of the proxy from the

    content server to the subscriber terminal". Claim 1 does not state any limitations

    related to monitoring the subscriber's usage or any limitations that would

    specifically exclude modification to the subscriber's terminal. The subscriber

    does indeed monitor the content delivery for QoS purposes (See Col. 1 lines 16-

    24), but the examiner notes the use of the transitional phrase "comprising". As

    such, the claim is inclusive or open-ended and does not exclude additional,

    unrecited elements or method steps (MPEP 2111.03). As noted by applicants,

    Ginzboorg states, "the billing server asks the service provider to start sending the

    information to the customer." The examiner considers such a teaching to be

    within the scope of content delivery "under the control of a proxy" as clearly the

    proxy is in control of when the content is being delivered. Particularly, it is noted

    that Col. 6 liens 55-63 describes asking the service provider to deliver the

content only after the billing server has authenticated the charging record. The

examiner does not see how such a teaching would imply the server is not

participating in the content delivery when it is responsible for the delivery itself.

Conclusion

47.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

48.   U.S. Patent 6,977,917 by Skog et al. "Method and apparatus for mapping an IP

address to an MSISDN number within a service network" December 20, 2005.

Discloses the mapping of an IP address to an MSISDN number. The association can

be used to determine a billing address.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Lazaro whose telephone number is 571-272-

3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

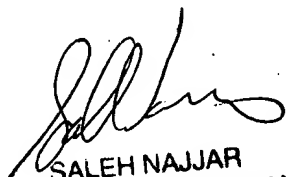published applications may be obtained from either Private PAIR or Public PAIR.

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